

EXHIBIT B

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Via Certified Mail - Return Receipt Requested

Blistex Inc.
1800 Swift Dr.
Oak Brook, IL 60523

Re: Violation of Magnuson-Moss Warranty Act, 15 U.S.C. §§ 2301, et seq.; U.C.C. §§ 2-313, 2-314; all other applicable laws

To Whom It May Concern:

This letter serves as a preliminary notice and demand for corrective action by Blistex Inc. (“You”) pursuant to numerous provisions of New York and Illinois law, including but not limited to New York General Business Law (“GBL”) §§ 349, 350, on behalf of our clients, Michael Santos and Joseph Cumberbatch. This letter also serves as notice pursuant to U.C.C. § 2- 607(3)(A) concerning the breaches of express and implied warranties described herein. You have participated in the marketing and sale of Odor-Eaters Spray Powder and Odor-Eaters Stink Stopper Spray (the “Products”). On or around November 17, 2021, You announced a recall of certain lots of the Products due to the presence of benzene. The recall notice promulgated by the United States Food & Drug Administration (“FDA”) noted that “[b]enzene is classified as a human carcinogen. Exposure to benzene can occur by inhalation, orally, and through the skin and it can result in cancers including leukemia and blood cancer of the bone marrow and blood disorders which can be life-threatening.”¹ Due to the presence of benzene, the recalled Products are unmerchantable and unfit for use.

On the label of the Products, You expressly warranted that the active ingredient in the Products would be tolnaftate. However, the Products actually included benzene. As such, You breached an express warranty to our clients.

Mr. Santos and Mr. Cumberbatch are acting on behalf of a class defined as all persons in the United States who purchased the Products. Mr. Santos and Mr. Cumberbatch are also acting on behalf of a subclass of persons who purchased the Products in the State of New York. To cure

¹ <https://www.fda.gov/safety/recalls-market-withdrawals-safety-alerts/odor-eatersr-issues-voluntary-nationwide-recall-specific-lots-odor-eatersr-spray-powder-and-odor> (last visited 1/25/22).

these defects, we demand that you make full restitution to all purchasers of the Products of all money obtained from sales thereof.

We also demand that You preserve all documents and other evidence which refers or relates to any of the above-described practices including, but not limited to, the following:

1. All documents concerning the packaging, labeling, and manufacturing process for the Products;
2. All documents concerning the design, development, supply, production, and/or extraction of the Products;
3. All quality assurance and quality control testing of the Products and/or their ingredients;
4. All documents concerning the pricing, advertising, marketing, and/or sale of the Products;
5. All communications with customers involving complaints or comments concerning the Products;
6. All documents concerning communications with any retailer involved in the marketing or sale of the Products;
7. All communications with the FDA, the National Advertising Division, or the Federal Trade Commission concerning the product development, manufacturing, marketing, and sale of the Products;
8. All documents concerning the total revenue derived from sales of the Products throughout New York and the entire United States, and documents concerning total units sold of the Products within the State of New York.

If you contend that any statement in this letter is inaccurate in any respect, please provide us with your contentions and supporting documents immediately upon receipt of this letter. Please contact me right away if you wish to discuss an appropriate way to remedy this matter. If I do not hear from you promptly, I will take that as an indication that you are not interested in doing so, and we will proceed with filing a class action lawsuit.

Very truly yours,



L. Timothy Fisher